

EXHIBIT 2

Hill, Brian

From: Hill, Brian
Sent: Tuesday, November 23, 2010 3:44 PM
To: 'tolchinlaw@gmail.com'
Cc: dsherman@eapdlaw.com; Hibey, Richard; Rochon, Mark; 'David J. Strachman'; 'Max Wistow'
Subject: RE:

Counsel:

As you requested, this will confirm that, for a variety of reasons, including the fact that discovery closed on November 19, Defendants will not be producing a witness in response to the deposition notice attached to your email below.

Regards,

Brian A. Hill
Miller & Chevalier, Chtd
655 15th Street, NW Suite 900
Washington, DC 20005
Direct: (202) 626-6014
Fax: (202) 626-5801

-----Original Message-----

From: tolchinlaw@gmail.com [mailto:tolchinlaw@gmail.com]
Sent: Monday, November 22, 2010 9:59 AM
To: dsherman@eapdlaw.com; Hibey, Richard; Rochon, Mark; Hill, Brian
Subject:

Counsel -

Please find attached a deposition notice issued pursuant to Rule 69 and in light of Judge Lagueux's November 19 order.

Please advise by 3 PM today whether you will be producing a witness.

Given the short time frame, and the intervening holiday, absent your confirmation by that time we will move to compel, and seek an immediate oral ruling by the Court.

- Bob Tolchin

Sent from my Verizon Wireless BlackBerry